

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1281**

**Introduced by Assembly Member Maze**

February 22, 2005

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~~An act to amend Section 11202 of the Vehicle Code, relating to vehicles.~~ *An act to amend Section 263.8 of the Streets and Highways Code, relating to transportation.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1281, as amended, Maze. ~~Traffic violator schools: lesson plans~~ *State scenic highway system.*

*Existing law provides that the Department of Transportation has full possession and control of all state highways. Existing law establishes the state scenic highway system and provides that certain listed highway routes are either designated as state scenic highways or are eligible to be designated.*

*This bill would designate specified segments of State Highway Route 198 as part of the state scenic highway system. The bill would require the department to place and maintain signs along those portions of State Highway Route 198.*

~~Existing law requires a licensed traffic violator school owner to provide a Department of Motor Vehicle's approved lesson plan of a minimum of 400 minutes of instruction, except that a lesson plan for instructing persons under the age of 18 may provide a minimum of 600 minutes of instruction.~~

~~This bill would recast that requirement to provide that a traffic violator school owner provide a minimum of 240 minutes of a department-approved lesson plan of traffic safety instruction that is designed to improve safe driving habits and reduce traffic accidents,~~

except that for persons under 18 years of age, the plan may provide a minimum of 360 minutes of that traffic safety instruction.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 11202 of the Vehicle Code is amended~~  
2     ~~to read:~~  
3     ~~SECTION. 1. Section 263.8 of the Streets and Highways Code~~  
4     ~~is amended to read:~~  
5     263.8. The state scenic highway system shall also include:  
6     Route 198 from:  
7     (a) Route 101 near San Lucas to Route 33 near Coalinga.  
8     (b) Route 33 near Oilfields to Route 5.  
9     (c) Route 99 near Goshen to the Sequoia National Park line.  
10    *The following segments of Route 198 are hereby designated as a*  
11    *state scenic highway as part of the state scenic highway system*  
12    *and department shall cause appropriate signs to be placed and*  
13    *maintained along these portions of the Route 198:*  
14    (1) 0.10 mile east of Road 248 to 0.10 mile south of Cherokee  
15    Oaks Drive.  
16    (2) 0.10 mile north of Eggers Drive to 0.10 mile west of  
17    Encina Drive.  
18    (3) Edison Drive to the Kaweah River Crossing.  
19    Route 210 from:  
20    (a) Route 5 near Tunnel Station to Route 134.  
21    (b) Route 330 near Highland to Route 10 near Redlands.  
22    Route 215 from Route 74 near Romoland to Route 74 near  
23    Perris.  
24    Route 251 from Route 37 near Nicasio to Route 1 near Point  
25    Reyes Station.  
26    Route 280 from Route 17 in Santa Clara County to Route 80  
27    near First Street in San Francisco.  
28    Route 299 from:  
29    (a) Route 101 near Arcata to Route 96 near Willow Creek.  
30    (b) Route 3 near Weaverville to Route 5 near Redding.  
31    (c) Route 89 near Burney to Route 139 near Canby.  
32    Route 395 from Route 14 near Little Lake to Route 89 near  
33    Coeville.

1 Route 580 from Route 5 southwest of Vernalis to Route 80.  
2 Route 680 from the Santa Clara-Alameda county line to Route  
3 24 in Walnut Creek.

4 ~~11202. (a) Except as provided in subdivision (c), a traffic~~  
5 ~~violator school owner shall meet all of the following criteria~~  
6 ~~before a license may be issued for the traffic violator school:~~

7 ~~(1) Maintain an established place of business in this state~~  
8 ~~which is open to the public. No office or place of business of a~~  
9 ~~traffic violator school, including any traffic violator school~~  
10 ~~branch or classroom location, may be situated within 500 feet of~~  
11 ~~any court of law, unless the owner was established at the location~~  
12 ~~on or before July 1, 1984.~~

13 ~~(2) Conform to standards established by regulation of the~~  
14 ~~department. In adopting the standards, the department shall~~  
15 ~~consider those practices and instructional programs which may~~  
16 ~~reasonably foster the knowledge, skills, and judgment necessary~~  
17 ~~for compliance with traffic laws. The standards may include, but~~  
18 ~~are not limited to, school personnel, equipment, curriculum,~~  
19 ~~procedures for the testing and evaluation of students,~~  
20 ~~recordkeeping, and business practices.~~

21 ~~(3) Procure and file with the department a bond of two~~  
22 ~~thousand dollars (\$2,000) executed by an admitted surety and~~  
23 ~~conditioned upon the applicant not practicing any fraud or~~  
24 ~~making any fraudulent representation which will cause a~~  
25 ~~monetary loss to a person taking instruction from the applicant or~~  
26 ~~to the state or any local authority.~~

27 ~~(4) Have a classroom approved by the department and the~~  
28 ~~proper equipment necessary for giving instruction to traffic~~  
29 ~~violators.~~

30 ~~(5) Have a lesson plan approved by the department and~~  
31 ~~provide not less than the minimum instructional time specified in~~  
32 ~~the plan. An approved lesson plan shall provide a minimum of~~  
33 ~~240 minutes of traffic safety instruction that is designed to~~  
34 ~~improve safe driving habits and reduce traffic accidents, except~~  
35 ~~that a lesson plan for instructing persons under the age of 18 may~~  
36 ~~provide a minimum of 360 minutes of that instruction.~~

37 ~~(6) (A) Execute and file with the department an instrument~~  
38 ~~designating the director as agent of the applicant for service of~~  
39 ~~process, as provided in this paragraph, in any action commenced~~  
40 ~~against the applicant arising out of any claim for damages~~

1 suffered by any person by the applicant's violation of any  
2 provision of this code committed in relation to the specifications  
3 of the applicant's traffic violator school or any condition of the  
4 bond required by paragraph (3).

5 (B) The applicant shall stipulate in the instrument that any  
6 process directed to the applicant, when personal service cannot  
7 be made in this state after due diligence, may be served instead  
8 upon the director or, in the director's absence from the  
9 department's principal offices, upon any employee in charge of  
10 the office of the director, and this substituted service is of the  
11 same effect as personal service on the applicant. The instrument  
12 shall further stipulate that the agency created by the designation  
13 shall continue during the period covered by the license issued  
14 pursuant to this section and so long thereafter as the applicant  
15 may be made to answer in damages for a violation of this code  
16 for which the surety may be made liable or any condition of the  
17 bond.

18 (C) The instrument designating the director as agent for  
19 service of process shall be acknowledged by the applicant before  
20 a notary public.

21 (D) If the director or an employee of the department, in lieu of  
22 the director, is served with a summons and complaint on behalf  
23 of the licensee, one copy of the summons and complaint shall be  
24 left with the director or in the director's office in Sacramento or  
25 mailed to the office of the director in Sacramento. A fee of five  
26 dollars (\$5) shall also be paid to the director or employee at the  
27 time of service of the copy of the summons and complaint, or  
28 shall be included with a summons and complaint served by mail.

29 (E) The service on the director or department employee  
30 pursuant to this paragraph is sufficient service on the licensee if a  
31 notice of the service and a copy of the summons and complaint  
32 are, on the same day as the service or mailing of the summons  
33 and complaint, sent by registered mail by the plaintiff or his or  
34 her attorney to the licensee. A copy of the summons and  
35 complaint shall also be mailed by the plaintiff or plaintiff's  
36 attorney to the surety on the licensee's bond at the address of the  
37 surety given in the bond, postpaid and registered with request for  
38 a return receipt.

~~(F) The director shall keep a record of all processes served pursuant to this paragraph showing the day and hour of service, and shall retain the documents served in the department's files.~~

~~(G) If the licensee is served with process by service upon the director or a department employee in lieu of the director, the licensee has 30 days after that service within which to answer any complaint or other pleading filed in the cause. For purposes of venue, if the licensee is served with process by service upon the director or a department employee in lieu of the director, the service is considered to have been made upon the licensee in the county in which the licensee has or last had his or her established place of business.~~

~~(7) Meet the requirements of Section 11202.5 and subdivision (b) of Section 11208, relating to traffic violator school operators, if the owner is also the operator of the traffic violator school. If the owner is not the operator of the traffic violator school, the owner shall designate an operator who shall meet the requirements of Section 11202.5.~~

~~(8) Provide the department with a written assurance that the school will comply with the applicable provisions of Subchapter H or III of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101, et seq.), and any other federal and state laws prohibiting discrimination against individuals with disabilities. Compliance may include providing sign language interpreters or other accommodations for students with disabilities.~~

~~(b) The qualifying requirements specified in subdivision (a) shall be met within one year from the date of application for a license, or a new application and fee are required.~~

~~(c) Paragraphs (3) and (6) of subdivision (a) do not apply to public schools or other public agencies, which shall also not be required to post a cash deposit pursuant to Section 11203.~~

~~(d) Paragraph (7) of subdivision (a) does not apply to public schools or other public educational institutions.~~

~~(e) A notice approved by the department shall be posted in every traffic violator school, branch, and classroom location stating that a person involved in the offering of, or soliciting for, a completion certificate for attendance at a traffic violator school program in which the person does not attend or does not complete the minimum amount of instruction time provided by~~

- 1 ~~subdivision (a) may be guilty of violating Section 134 of the~~
- 2 ~~Penal Code.~~

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